

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Pastan et al.

Application No. 10/537,061

Filed: June 1, 2005

Confirmation No. 2145

For: RECOMBINANT IMMUNOTOXIN AND
USE IN TREATING TUMORS

Examiner: Not yet assigned

Art Unit: 1653

Attorney Reference No. 4239-67287-05

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: ATTN: REFUND SECTION, ACCOUNTING DIVISION, OFFICE OF FINANCE COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below.

Attorney or Agent
for Applicant(s)

Date Mailed December 15, 2005

ATTN: REFUND SECTION, ACCOUNTING DIVISION, OFFICE OF FINANCE
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

REQUEST FOR REFUND UNDER 37 C.F.R. § 1.26

In accord with the Patent Office notice of January 20, 1983 (1027 TMOG 14), Applicant(s) hereby requests a refund.

The above-identified patent application was filed with the payment of a fee of \$1,700 for filing and claim fees. A copy of the National Stage Transmittal Letter dated June 1, 2005, is attached as **Exhibit A**. The filing receipt (**Exhibit B**) dated November 18, 2005, indicates receipt of the \$1,700, as well as the calculation of 24 total claims, including one independent claim. Upon closer examination, the fee submitted was based on the claims from the PCT application rather than the number of claims after entry of the Preliminary Amendment. Therefore, Applicants respectfully request a refund in the excess amount of \$900.

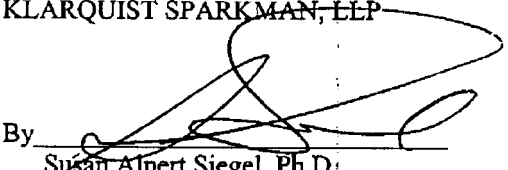
Please mail the refund to the undersigned agent, or credit the refund to our Deposit Account No. 02-4550. A copy of this document or paper is enclosed.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 595-5300
Facsimile: (503) 595-5301

By


Susan Alpert Siegel, Ph.D.
Registration No. 43,121


TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A NATIONAL STAGE FILING UNDER 35 U.S.C. § 371		ATTORNEY'S DOCKET NUMBER 4239-67287-05
		U.S. APPLICATION NO. (If known, see 37 C.F.R. § 1.5)
INTERNATIONAL APPLICATION NO. PCT/US2003/038227	INTERNATIONAL FILING DATE DECEMBER 1, 2003	PRIORITY DATE CLAIMED DECEMBER 2, 2002
TITLE OF INVENTION RECOMBINANT IMMUNOTOXIN AND USE IN TREATING TUMORS		
APPLICANT(S) FOR DO/EO/US PASTAN et al.		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none">1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. § 371.2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. § 371.3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. § 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. § 371(b) and PCT Articles 22 and 39(1). Items 5, 6, 9 and 21 indicated below are submitted to make this express request.4. <input type="checkbox"/> The United States has been elected in a Demand for International Preliminary Examination (Article 31).5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. § 371(c)(2))<ol style="list-style-type: none">a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).b. <input type="checkbox"/> has been communicated by the International Bureau.c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).6. <input type="checkbox"/> An English-language translation of the International Application (35 U.S.C. § 371(c)(2)).<ol style="list-style-type: none">a. <input type="checkbox"/> is attached hereto.b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. § 371(c)(3))<ol style="list-style-type: none">a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau to the United States Receiving Office).b. <input type="checkbox"/> have been communicated by the International Bureau.c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.d. <input checked="" type="checkbox"/> have not been made and will not be made.8. <input type="checkbox"/> An English-language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. § 371(c)(3)).9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. § 371(c)(4)).10. <input type="checkbox"/> An English-language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. § 371(c)(5)).		
Items 11 to 21 below concern document(s) or information included:		
<ol style="list-style-type: none">11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 C.F.R. §§ 1.97 and 1.98. <input checked="" type="checkbox"/> Copies of References Cited.12. <input checked="" type="checkbox"/> Two assignment documents for recording. A separate cover sheet in compliance with 37 C.F.R. §§ 3.28 and 3.31 and the Recordal fee of \$40.00 each are included.13. <input checked="" type="checkbox"/> A preliminary amendment.14. <input type="checkbox"/> An Application Data Sheet under 37 C.F.R. § 1.76.15. <input type="checkbox"/> A substitute specification.16. <input type="checkbox"/> A power of attorney and/or change of address letter.17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 C.F.R. §§ 1.821 - 1.825.18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. § 154(d)(4).19. <input type="checkbox"/> A second copy of the English-language translation of the international application under 35 U.S.C. § 154(d)(4).20. <input checked="" type="checkbox"/> Other items or information:<ul style="list-style-type: none"><input checked="" type="checkbox"/> Abstract on a separate page.<input checked="" type="checkbox"/> Computer Readable Diskette of Sequence Listing<input checked="" type="checkbox"/> Paper copy (identical to computer readable diskette)<input checked="" type="checkbox"/> Statement in Compliance with 37 C.F.R. §1.821 verifying identity of above copies<input checked="" type="checkbox"/> International Search Report.		

Repl. Ref: 01/31/2006 RUMITE1 0011184000
URN: 024550 Name/Number: 10537051
FC: 9204 0900.00 CR

EV514612616US

EXHIBIT

A

U.S. APPLICATION NO. (if known, see 37 C.F.R. § 1.5)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER	
		PCT/US2003/038227		4239-67287-05	
The following fees are submitted:					
21. <input checked="" type="checkbox"/> Basic national fee.....				\$ 300.00	
22. <input checked="" type="checkbox"/> Examination fee If international preliminary examination report prepared by USPTO and all claims satisfy novelty, nonobviousness (inventive step) and utility (industrial applicability) i.e., provisions of PCT Article 33(1)-(4).....				\$ 200.00	
All other situations.....					
23. <input checked="" type="checkbox"/> Search fee Search fee (37 C.F.R. 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.....				\$ 100.00	
International Search Report prepared and provided to the Office.....				\$ 400.00	
All other situations.....				\$ 500.00	
TOTAL OF 21, 22, and 23 =				\$ 600.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
87 - 100	0 / 50 =	0	x \$250	\$ 0.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 C.F.R. § 1.492(e)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	38 - 20 =	18	x \$50.00	\$ 900.00	
Independent Claims	4 - 3 =	1	x \$200.00	\$ 200.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00	\$	
TOTAL OF ABOVE CALCULATIONS =				\$ 1,700.00	
<input type="checkbox"/> Reduction of 1/2 for filing by small entity. Small entity status is claimed for this application.				\$	
SUBTOTAL =				\$ 1,700.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 C.F.R. §§ 1.492(f)).				\$	
TOTAL NATIONAL FEE =				\$ 1,700.00	
Fee for recording the enclosed assignment (37 C.F.R. § 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. §§ 3.28, 3.31). \$40.00 per property.				\$ 80.00	
TOTAL FEES ENCLOSED =				\$ 1,780.00	
				Amount to be refunded	\$
				Amount to be charged	\$
a. <input checked="" type="checkbox"/> A check in the amount of \$1780.00 to cover the above fees is enclosed.					
b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.					
c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees that may be required, or credit any overpayment, to Deposit Account No. 02-4550. A duplicate copy of this sheet is enclosed.					
d. <input checked="" type="checkbox"/> Please return the enclosed postcard to confirm that the items listed above have been received.					
NOTE: Where an appropriate time limit under 37 C.F.R. § 1.494 or § 1.495 has not been met, a petition to revive (37 C.F.R. § 1.137(a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO THE ADDRESS ASSOCIATED WITH					
CUSTOMER NUMBER 36218					
KLARQUIST SPARKMAN, LLP One World Trade Center, Suite 1600 121 S.W. Salmon Street Portland, OR 97204-2988					
SIGNATURE 					
NAME Susan Albert Siegel, Ph.D.					
REGISTRATION NUMBER 43121					

cc: Docketing

NIH/SAS/NMS



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/537,061	06/01/2005	1653	1700	4239-67287-05	6	24	1

CONFIRMATION NO. 2145

36218
KLARQUIST SPARKMAN, LLP
121 S.W. SALMON STREET, SUITE #1600
ONE WORLD TRADE CENTER
PORTLAND, OR 97204-2988

FILING RECEIPT



OC00000017482556

PREVIOUSLY DOCKETED

Date Mailed: 11/18/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Ira Pastan, Potomac, MD;
Masanori Onda, Rockville, MD;
Nai-Kong Cheung, Purchase, NY;

Power of Attorney: The patent practitioners associated with Customer Number 36218.

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US03/38227 12/01/2003
which is a CIP of 60/430,305 12/02/2002

Foreign Applications

Projected Publication Date: 02/23/2006

Non-Publication Request: No

Early Publication Request: No

Title

Recombinant immunotoxin and use in treating tumors

EXHIBIT

B